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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,557	08/31/2006	Robert Nientiedt	2003P19363WOUS	4806

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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CHUGHtai, SARWAT

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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08/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,557	<b>Applicant(s)</b> NIENTIEDT, ROBERT	
	<b>Examiner</b> SARWAT CHUGHTAI	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04/01/2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

**Response to Amendment**

***Response to Argument***

1. Applicant's arguments with respect to claims 14-33 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Genell et al. (6,122,505 hereinafter Genell) in the view of Kato (US 7,002,498 B2).

Regarding claim 14, Genell discloses, A method for detecting a radio coverage in a multi cellular mobile radio system with a plurality of base stations **(See Abstract and Column 2, Lines 16-33; whereas Genell discloses the communication system includes scattered base stations that in a normal operating mode)** connected to an evaluation unit **(See Abstract and Column 2,**

Art Unit: 2617

**Lines 16-33; whereas Genell discloses communication system uses its existing resources to text base stations), comprising:**

providing a plurality of base stations in a normal operating mode (**See Abstract, Column 2, Lines 16-33 and Figure 1; whereas Genell discloses the communication system includes scattered base stations that in a normal operating mode**), the base stations communicatively connected to an evaluation unit (**See Abstract and Column 2, Lines 16-33; whereas Genell discloses communication system uses its existing resources to text base stations**);

switching at least one of the plurality of base stations from the normal operating mode to a measuring operating mode (**See Column 2, Lines 34-66; whereas Genell discloses base stations are operated in normal operating mode and in the test mode**);

measuring a field strength by the base station in the measuring operating mode of each of the base stations locally adjacent to the measuring base station ,with the locally adjacent base stations in the normal operating mode (**See Column 3, Lines 1-19; whereas Genell discloses the signal quality parameter at the tested base station is measured**);

switching the base station in the measuring operating mode to the normal operating mode (**See Column 6, Lines 1-24**), and

evaluating the strength and quality by the evaluation unit (**Column 5, Lines 39-53; whereas Genell discloses estimator provides RSSI signal which is the measure of received signal strength**);

Art Unit: 2617

wherein the switching to the measuring operating mode, the measuring the field strength **(Column 5, Lines 39-53)**, the sending, and the switching to the normal operating mode is repeated such that each of the plurality of base stations is switched to the measuring operating mode **(Column 5, Lines 39-53; whereas Genell discloses estimator provides RSSI signal which is the measure of received signal strength and the controller periodically reports the signal and noise disturbance to the BSC).**

Genell explicitly fails to disclose, synchronizing the base station in the measuring operating mode with the base stations operating in normal mode, measuring a quality of synchronicity after synchronizing, sending each measured field strength and measured of synchronicity quality to the evaluation unit synchronizing, the measuring of the synchronicity quality.

However, Kato discloses, synchronizing the base station in the measuring operating mode with the base stations operating in normal mode **(See Abstract and Column 2, Lines 21-58; whereas Kato discloses Synchronizing signal to each base station)**, sending each measured field strength and measured of synchronicity quality to the evaluation unit synchronizing, the measuring of the synchronicity quality **(See Abstract and Column 2, Lines 21-58; whereas Kato discloses Synchronizing signal to each base station and time delay detection for detecting an arrival delay and the synchronizing signal supplied to the base station is corrected according to the timing correction value)**. It would have been obvious at the time the invention was made to an ordinary skills in the art to modify the Communication system of Genell with

Art Unit: 2617

synchronizing signal to the base station and time delay detection as taught by Kato, because they would provide synchronizing the base station in the measuring operating mode with the base stations operating in normal mode.

Regarding claim 24, Genell discloses, An arrangement for detecting a radio coverage in a multi cellular mobile radio system **(See Abstract and Column 2, Lines 16-33; whereas Genell discloses the communication system includes scattered base stations that in a normal operating mode)**, comprising:

an evaluation unit **(See Abstract and Column 2, Lines 16-33; whereas Genell discloses communication system uses its existing resources to text base stations)**; and

a plurality of base stations communicatively connected to the evaluation unit, the plurality of base stations including **(See Abstract, Column 2, Lines 16-33 and Figure 1; whereas Genell discloses the communication system includes scattered base stations that in a normal operating mode)**, according to a first configuration:

a measuring base station operating in a measuring operating mode **(See Column 2, Lines 58-67 and (See Column 3, Lines 1-19)**, and  
a locally adjacent base station adjacent to-the measuring base station, the locally adjacent base station operating in a normal operating mode **(See Column 3, Lines 1-19; whereas Genell discloses the signal quality parameter at the tested base station is measured)**,

Art Unit: 2617

and the evaluation unit evaluates the measured field strength (**Column 5, Lines 39-53; whereas Genell discloses estimator provides RSSI signal which is the measure of received signal strength**).

Genell, explicitly fails to discloses, wherein the measuring base station measures a field strength of the locally adjacent base station and the measuring base station is synchronized with the locally adjacent base station, and wherein the evaluation unit receives the measured field strength, a measured quality of the synchronicity is determined.

However, Kato discloses, wherein the measuring base station measures a field strength of the locally adjacent base station and the measuring base station is synchronized with the locally adjacent base station (**See Column 2, Lines 43-43**), and wherein the evaluation unit receives the measured field strength, a measured quality of the synchronicity is determined (**See Abstract and Column 2, Lines 21-58; whereas Kato discloses Synchronizing signal to each base station and time delay detection for detecting an arrival delay and the synchronizing signal supplied to the base station is corrected according to the timing correction value**). It would have been obvious at the time the invention was made to an ordinary skills in the art to modify the Communication system of Genell with synchronizing signal to the base station and time delay detection as taught by Kato, because they would provide synchronizing signal to the base station.

Art Unit: 2617

Regarding claim 15, Genell discloses, the radio coverage is detected in cycles, and wherein the step of evaluating the strength and quality by the evaluation unit provides a current evaluation result based on measured field strength when one of the base stations is in a measuring operating mode and a comparison of measured field strength with a previous evaluation result **(See Column 5, Lines 39-53 and Column 6, Lines 25-53)**.

Regarding claim 16, Genell discloses, the evaluation unit automatically controls the base stations and automatically evaluates the measured field strength data **(See Column 3, Lines 1-19 and Column 4, Lines 21-35)**.

Regarding claim 17, Genell discloses, modifying the mobile radio system by the evaluation unit based on a result of the evaluation **(Column 4, Lines 48-67; whereas Genell discloses BSC routes results to the MSC for further processing and comparison with various test)**.

Regarding claim 18, Genell discloses, wherein the evaluation unit creates a field string map for determining the position of a mobile unit unit **(Column 4, Lines 21-35; whereas Genell discloses based on the reports received of signal strength at the mobile station the base station determines whether to initiate a handover, therefore along with the reports it would have the notification of mobile stations position or location)**.



Art Unit: 2617

Regarding claim 19, Genell discloses, the mobile radio system is designed in accordance with a Digital Enhanced Cordless Telecommunications standard **(See Column 3, Lines 36-54 and Figure 1; whereas Genell discloses mobile station).**

Regarding claim 20, Genell discloses, provision of the measured field strength includes provision of a base station identifier **(Column 4, Lines 21-35).**

Regarding claim 21, Genell discloses, provision of the measured field strength includes provision of a base station identifier **(Column 4, Lines 21-35).**

Regarding claim 22, Genell discloses, comprising modifying the mobile radio system with the evaluation unit based on a result of the evaluation **(Column 4, Lines 48-67; whereas Genell discloses BSC routes results to the MSC for further processing and comparison with various test).**

Regarding claim 23, Genell discloses, the evaluation unit creates a field strength map for determining the position of a mobile unit **(Column 4, Lines 21-35; whereas Genell discloses based on the reports received of signal strength at the mobile station the base station determines whether to initiate a handover, therefore along with the reports it would have the notification of mobile stations position or location).**

Art Unit: 2617

Regarding claim 25, Genell discloses, each measured field strength is provided to the evaluation unit with an identification of the measured base station **(See Column 4, Lines 21-35 and Column 5, Lines 39-53; whereas Genell discloses test commands that are received from base station controller).**

Regarding claim 26, Genell discloses, the evaluation unit modifies the mobile radio system based on a result of the evaluation **(Column 4, Lines 48-67; whereas Genell discloses BSC routes results to the MSC for further processing and comparison with various test).**

Regarding claim 27, Genell discloses, the evaluation unit creates a field strength map for determining the position of a mobile unit **(Column 4, Lines 21-35; whereas Genell discloses based on the reports received of signal strength at the mobile station the base station determines whether to initiate a handover, therefore along with the reports it would have the notification of mobile stations position or location).**

Regarding claim 28, Genell discloses, the mobile radio system is designed in accordance with a Digital Enhanced Cordless Telecommunications standard **(See Column 3, Lines 36-54 and Figure 1; whereas Genell discloses mobile station).**

Art Unit: 2617

Regarding claim 29, Genell discloses, the radio coverage is detected is in cycles, and wherein a result of the current evaluation is compared with a result of a previous evaluation of measured field strength **(See Column 4, Lines 21-35, Column 5, Lines 39-53 and Column 6, Lines 25-53; whereas Genell discloses** based on reported received signal strength at the mobile stations, the BSC determines whether to initiate a hand over, therefore it would have the ability to compare the new result with the previous result).

Regarding claim 30, Genell discloses, the measured field strength is provided to the evaluation unit with an identification of the measured base station **(See Column 4, Lines 21-35 and Column 5, Lines 39-53; whereas Genell discloses test commands that are received from base station controller).**

Regarding claim 31, Genell discloses, the evaluation unit modifies the mobile radio system based on a result of the evaluation **(Column 4, Lines 48-67; whereas Genell discloses BSC routes results to the MSC for further processing and comparison with various test).**

Regarding claim 32, Genell discloses, the evaluation unit creates a field strength map for determining the position of a mobile unit **(Column 4, Lines 21-35; whereas Genell discloses based on the reports received of signal strength at the mobile station the base station determines whether to initiate a handover, therefore along with the reports it would have the**

Art Unit: 2617

**notification of mobile stations position or location).**

Regarding claim 33, Genell discloses, the mobile radio system is designed in accordance with a Digital Enhanced Cordless Telecommunications standard **(See Column 3, Lines 36-54 and Figure 1; whereas Genell discloses mobile station).**

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARWAT CHUGHTAI whose telephone

Art Unit: 2617

number is (571)270-7272. The examiner can normally be reached on Mon-Thurs 8:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARWAT CHUGHTAI/  
Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617